



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

09/478508

RG.

APPLICATION NO. 09/478,508	FILING DATE 01/06/00	FIRST NAMED INVENTOR MIYATA K	ATTORNEY DOCKET NO. 991527
-------------------------------	-------------------------	----------------------------------	-------------------------------

ARMSTRONG WESTERMAN HATTORI
MCLELAND & NAUGHTON
1725 K STREET NW SUITE 1000
WASHINGTON DC 20006

MM92/0613

EXAMINER HOANG, G

ART UNIT 2818	PAPER NUMBER
------------------	--------------

DATE MAILED: 06/13/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/478,508

Applicant(s)

Miyata Et At

Examiner

Quoc Hoang

Group Art Unit

2818



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-15 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Serial Number: 09/478,508
Art Unit: 2818

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I, Claim 13 are drawn to a **semiconductor device**, classified in class 257, subclass 737.

Group II, Claims 1-9 are drawn to a **method of making a semiconductor device**, classified in class 438, subclass 614.

Inventions II and I are related as process of making and devices for its practice.

The inventions are distinct if it can be shown that either: (1) the process as claimed can be used to make other and materially different devices or hand (2) that the devices as claimed can be used to practice another and materially different process. (MPEP

§ 806.05(f)). In the instance case unpatentabilities of the group I invention would not necessarily imply unpatentability of the group II invention, since the device of the group I invention could be made by the processes materially different from those of the group II invention.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Serial Number: 09/478,508

Art Unit: 2818

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

4. Any inquiry concerning this communication or earlier communication from the examiner should be direct to Quoc Hoang whose telephone number (703) 306-5795. The examiner can normally be reached on Monday through Friday from 8.00am to 5.00pm. The examiner's supervisor, David Nelms can be reached on (703) 308-4910. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724.

5. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


David Nelms
Supervisory Patent Examiner
Technology Center 2800

QH
Quoc Hoang
Examiner
Group 2818